

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

DEONTE VONDELL SPICER

Plaintiff,

v.

**CIVIL ACTION NO.: 3:19-CV-10
(GROH)**

**OFFICER ANTHONY SATTERELLI,
OFFICER J. BROWN,
OFFICER A. CUNNINGHAM, and
OTHER UNKNOWN NAMED DEFENDANTS,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge Robert W. Trumble. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued his R&R [ECF No. 45] on October 14, 2021. Therein, Magistrate Judge Trumble recommends that this Court dismiss the Plaintiff's complaint [ECF No. 1] with prejudice. This case was previously dismissed [ECF No. 10] and reopened [ECF No. 19], and an appeal to the Fourth Circuit was ultimately dismissed [ECF No. 36].

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court must conduct a *de novo* review of the magistrate judge's findings where an objection is made. However, the Court is not required to review, under a *de novo* or other standard, the factual or legal conclusions of the magistrate judge to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a

plaintiff's right to appeal this Court's Order. 28.U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The *pro se* Plaintiff accepted service on October 18, 2021. ECF No. 46. To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 45] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. The Court hereby **ORDERS** that the Plaintiff's complaint [ECF No. 1] be **DISMISSED WITH PREJUDICE**.

The Court **DIRECTS** the Clerk to strike this case from the active docket and transmit a copy of this Order to the *pro se* Plaintiff by certified mail, return receipt requested.

DATED: December 1, 2021

A handwritten signature in black ink, appearing to read 'Gina M. Groh', is written over a horizontal line.

GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE